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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re Application of: KROPPE

Appl. No. : 10/624,538

Group Art Unit: 3616

Filed : July 23, 2003

Examiner: Ruth ILAN

Title: SUSPENSION SYSTEM

October 13, 2006.

Pre-Appeal Brief Request for Review

Hon. Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Advisory Action dated August 23, 2006, Applicant hereby requests a pre-appeal brief review. Applicant has filed a Notice of Appeal concurrently herewith along with a petition for extension of time. However, Applicant hereby petitions for any necessary relief including extensions of time and authorized the Commissioner to charge deposit account 50-0548 for any necessary fees associated with the instant filing.

ARGUMENTS

The examiner is thanked for the Final Action dated June 13, 2006. This request for reconsideration is intended to be fully responsive.

Claims 30-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe 5,390,121, Carlson 5,284,330 and Karnopp 3,807,678. Applicant respectfully disagrees.

It is first noted that Applicant presented clear arguments for patentability in the response Dated August 7, 2005 and will not be repeated here but rather present what Applicant believes is clear error on the part of the Examiner.

The presently claimed invention comprises three separate and distinct parts of elements namely:

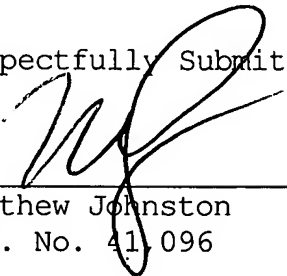
- 1) a first & second spring;
- 2) a first & second shock absorber; and
- 3) a first & second rheologically controlled force device.

The prior art fails to disclose this arrangement. Rather, the prior art merely discloses a conventional spring and shock absorber and the use of a Rheologically Shock absorber. This is clear from an inspection of both Carlson US 52,284,330 and Wolfe US 5390121. At best, assuming proper motivation exists to combine these references, any modification would result on a spring with Rheologically controlled damper without a third device. The Examiner's reliance on Karnopp, 'US 3897678 is misplaced. It is significant to note that Wolf '121 was aware of each of the 'Carlson 330, and Karnopp '678 having discussed each

reference at length, yet nonetheless failed to embody either a third element or a Rheologically controlled damper. Thus it is self evident that Wolfe, et al teaches away from the presently claimed invention.

Should the pane believe further discussion would advance prosecution, they are invited to contact the undersigned.

Respectfully Submitted

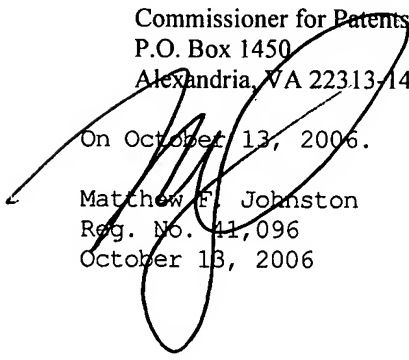
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to

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On October 13, 2006.


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October 13, 2006